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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,392	10/02/2001	Mathew Reardon	GRIFH-56299	4867

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EXAMINER

NGUYEN, CUONG H

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/763,392

Applicant(s)

REARDON ET AL.

Examiner

CUONG H. NGUYEN

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 16-18 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 16-18, 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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Status of the Claims

1. Claims 1-12, 16-18, and 24 are currently pending. The "Response After Non-Final Action" was received on 1/11/05.

Response

2. The examiner respectfully submits that Smith, or Vallaire covers the pending claims' meanings (a computer system) because they are directly/indirectly belongs to a vending machine/device; moreover, the claimed terms "comprising" (i.e., open-ended statement), and "connected to" clearly indicate "an involvement" of a processor/computer that Smith/Vallair taught; according to page 8, para.1 of the Response Vallair discloses "physically associated" covering "directly/indirectly associated". The examiner maintains previous rejections since applicant's argument is unpersuasive.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international

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application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 8-9, 16-18, 24 are rejected under 35 U.S.C.

102(e) as being anticipated by Smith (US Pat. 5,860,362).

A. As to independent claims 1, 16: Smith teaches a goods requisition and supply system (see Smith, Fig.2), comprising:

- a computer system, an ordering means for generating an order, and a vending device connected to that computer and including a storage means (see Smith, 2:43-54). Smith also teaches about dispensing from printer 12 the requested "up-to-the-minute" news (see Smith, the abstract).

B. As to dependent claim 2: Smith teaches a goods requisition and supply system (see Smith, Fig.2), comprising:

- means to determine whether an ordered item is available in the storage means or is available from a remote location - Smith's system is capable to perform internal/external inventory.

C. As to dependent claims 3, 17: Smith teaches an online goods requisition and supply system (see Smith, Fig.2), comprising:

- an ordering means to monitor stock levels of items in a vending device (see Smith, 2:33-41, Fig.2 - ref. 30 for paper sensor) to see a stock availability, and a remote supplier: NEWS PROVIDING ORGANIZATION (by external inventory - Fig.2 ref.38).

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D. As to dependent claims 4, 18: Smith teaches a goods requisition and supply system (see Smith, Fig.2), comprising:

An online ordering means is resident on the computer system (see Smith Fig.2, ref. 8) and the controllable vending device (with I/O interfaces) (see Smith Fig.2, ref. 2) operates as a peripheral controlled by the computer system (see Smith Fig.2, refs. 34, 36).

E. As to dependent claim 5: Smith teaches a goods requisition and supply system (see Smith, Fig.2), comprising:

- the computer system may be a proprietary computer system, such as LAN, or Intranet (see Smith Fig.2, and 3:30-32).

F. As to dependent claim 8: Smith teaches a goods requisition and supply system (see Smith, Fig.2), comprising:

- vending device includes sensor means to sense (see Smith, Fig.2 - ref. 30).

G. As to dependent claim 9: Smith also teaches that:

- a vending device dispenses the item on receipt of an identification means (i.e., personal info. in a credit card) from the user (see Smith 2:11-13).

H. Per independent claim 24: It is directed to a goods requisition and supply system including an input means for input data/information for approval having similar limitations of claim 9; therefore, a rejection based on 35 USC 102(e) (using

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Smith's reference) is also applied to claim 24.

4. Claims 1, 7, 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Vallaire (US Pat. 5,971,273).

A. As to independent claim 1: Vallaire teaches a goods requisition and supply system, comprising:

- a computer system, an ordering means for generating an order, and a vending device connected to that computer and including a storage means (see Vallaire, the abstract).

B. As to dependent claim 7: Vallaire also teaches a vending system; comprising means for enabling remote payment for items (see Vallaire, Fig.3).

C. As to dependent claim 12: Vallaire also teaches a vending system, comprising a key pad arranged to operate in a secure mode for entering data required for remote payment and in a non-secure mode for entry of other data (see Vallaire Fig.2 - using a TOUCH SENSITIVE MONITOR as a keypad, and 4:51-58).

Claim Rejections - 35 USC § 103

5. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US Pat. 5,860,362), in view of Bernard et al. (US Pat.5,918,213).

The rationales and reference for rejection of claim 9 are incorporated.

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Smith does not disclose of using an identification code for a transaction.

However, Bernard et al. suggest that idea, i.e. providing an identification code to a user (i.e., a customer number, or a serving number), provide the identification code to a supplier responsible for providing the vended item (i.e., submitting said customer number, or a serving number for verification)

It would have been obvious to one with ordinary skill in the art at the time of the invention to combine Smith's system with Bernard et al. to perform smoothly a transaction because using a customer id code help a lots in verifications other related information of a transaction.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US Pat. 5,860,362), in view of Krechmer et al. (US Pat. 3,634,656).

The rationales, and reference for claim 1's rejection are incorporated.

Smith does not disclose a vending device to receive articles for recycling and the ordering means track items being placed in the vending device for recycling and advise the remote supplier.

However, Krechmer suggests about tracking goods with a counter in a vending machine (see Krechmer, Fig.8, ref. 761).

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It would have been obvious to one with ordinary skill in the art at the time of the invention to combine Smith's system with Krechmer's counter to receive articles for recycling and the ordering means track items being placed in a vending device for recycling and advise the remote supplier because the combination of a paper sensor 30 of Smith vending machine and a counter in Krechmer vending machine would provide a better degree of accuracy of recycling goods (as a feedback signal) to a remote supplier.

Conclusion

7. Claims 1-12, 16-18, and 24 are not patentable. The arguments are unpersuasive; accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 703-305-4553. The examiner can normally be reached on 7:15am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 703-305-8233. The fax phone number for the organization where this application is assigned is 703-305-7687. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cuong H. Nguyen

CHAN
CUONG H. NGUYEN
Primary Examiner
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